

REMARKS

Claims 16-30 are pending in this application and are presented for reconsideration.

Claims 16-30 were subject to election of species as outlined in the Office Action, the examiner alleging lack of unity of invention under PCT Rule 13.1. Responsive thereto applicants affirm that formula (1) was elected for searching purposes.

This election is made with traverse. Applicants aver that the present invention is directed to novel water-soluble granules of manganese complexes, comprising a) from 1 to 89 % by weight of a water-soluble manganese complex, b) from 10 to 95 % by weight of a dissolution restrainer, c) from 0 to 20 % by weight of a further additive and d) from 1 to 15 % by weight of water, based on the total weight of the granules. See claim 1. Whether the manganese complex therein is of the formula (1), (2), (3) or some other formula is irrelevant to the present invention. Note that claim 1 is not limited to any particular formula. Formulae (1), (2) and (3) are illustrative of known salen-type water-soluble manganese complexes useful in the inventive granules, but the invention is not limited thereto.

Arguendo, some additional searching might be required to consider formulae (1), (2) and (3). But it is respectfully noted that a mere difference in classification is not an appropriate basis for restriction or election of species. The US classification system was set up for purposes of information retrieval (35 U.S.C. § 9), and not for the purpose of establishing the propriety of a restriction or election of species requirement (35 U.S.C. § 121).

Since the present application has been filed as a national application via the PCT route, the corresponding PCT provisions apply.

According to Rule 13.1 PCT *an international application shall relate to one invention only or to a group of inventions so linked as to form a single general inventive concept ("requirement of unity of invention")*.

Rule 13.2 PCT is directed to the circumstances in which the requirement of unity of invention is to be considered fulfilled. It reads:

Where a group of inventions is claimed in one and the same international application, the requirement of unity of invention referred to in Rule 13.1 shall be fulfilled only when there is a technical relationship among those inventions involving one or more of the same or

corresponding special technical features. The expression "special technical features" shall mean those technical features that define a contribution which each of the claimed inventions, considered as a whole, makes over the prior art.

Applicants aver that there clearly is a technical relationship among the above inventions since they involve one or more of the same or corresponding technical features as laid down in the relevant PCT-provision (see the features of the claimed salen-type water-soluble manganese complexes).

For all of the above reasons, reconsideration and withdrawal of the election of species requirement is respectfully solicited on finding the elected species to be allowable.

Claims 16-30 are rejected under 35 U.S.C. § 112, second paragraph as indefinite, although a reason is given only for claim 16. Responsive thereto claim 16 has been amended in accord with the current rules in which underlining shows additions and strikethrough shows deletions by deleting "salen-type". No new matter has been added.

It is respectfully submitted that all the claims submitted for reconsideration are in good formal order. Reconsideration and withdrawal of the rejection of claims 16-30 under 35 U.S.C. §112, second paragraph is therefore solicited.

Claims 16-30 are rejected under 35 U.S.C. § 103(a) as being unpatentable over EP 630 964, EP 902 083 or Bacher et al. (U.S. Patent No. 5,965,506), although the examiner admits no dissolution restrainer is taught. Applicants respectfully traverse this rejection for the reasons that follow.

The most important difference between all the cited prior art documents and the present application is the fact that the prior art discloses detergent granules and wash liquors containing them. The present application discloses and claims slow release granules comprising a manganese complex (= bleach catalyst) and 10 to 95 % by weight of a dissolution restrainer. This is an entirely different matter. *Arguendo*, a detergent composition, which may be in granular form is claimed as well in claim 30. But in this detergent granule there must also be a manganese complex granule as claimed in claim 17 as well. This kind of a granule is neither described nor suggested in the prior art.

The disadvantages of the prior art and the unobvious advantages of the present invention are listed in the description of the present application on page 1:

A number of salen-type manganese complexes are already known to be suitable catalysts for oxidations with peroxy compounds, especially within the context of washing procedures. The use of certain manganese complexes as catalysts for preventing the redeposition of migrating dyes in peroxide-containing washing liquors is described in EP 902 083, but the action of those manganese complexes as dye-transfer inhibitors is not optimum under all washing conditions. A further problem is that the peroxy compound and/or the catalyst in the washing agent formulation decompose(s) during prolonged storage in a moist atmosphere.

Surprisingly, it has now been found that granules comprising a salen-type manganese complex and at least 10 % by weight of an anionic or non-ionic dissolution restrainer provide better inhibition of the redeposition of migrating dyes in washing liquors than is provided by the pure manganese complexes when the total amount of manganese complex entering into the washing liquor is the same in both cases. A further advantage of the granules is that the storage stability of peroxide-containing washing agent formulations comprising such granules is improved. In addition, these granules inhibit undesired colouration of the washing agent as a result of the gradual dissolution of the manganese complexes in one or more of the washing agent components.

None of the cited prior art documents even recognizes this problem much less suggests any solution to it. Hence the invention as a whole is clearly unobvious thereover.

It is further noted that the examples in the specification must be considered in reaching a conclusion as to whether the claimed invention as a whole would have been obvious. See *In re Margolis*, 228 USPQ 941 (CAFC, 1986). In Example 6 the release of the manganese complex into the solution is measured. It is shown that the release is slow and controlled.

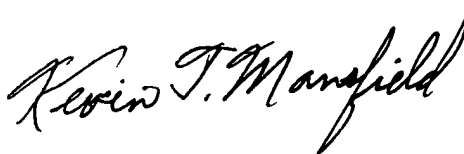
In Examples 7, 8 and 54 – 60 the improved DTI (dye transfer inhibition) properties of the granules are shown. Said results are clearly surprising and unobvious over the cited prior art documents.

Reconsideration and withdrawal of the rejection of claims 16-30 under 35 U.S.C. § 103(a) as being unpatentable over EP 630 964, EP 902 083 or Bacher et al. (U.S. Patent No. 5,965,506) is respectfully solicited in light of the remarks *supra*.

Since there are no other grounds of objection or rejection, passage of this application to issue with claims is earnestly solicited.

Applicants submit that the present application is in condition for allowance. In the event that minor amendments will further prosecution, Applicants request that the examiner contact the undersigned representative.

Respectfully submitted,



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Enclosure: Petition for Extension of Time

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